

MAY 24 2019

JULIA C. DODDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MICHAEL JAMAL SUTTON,) Civil Action No. 7:19CV00256
Plaintiff,)
)
v.)
)
U.S.P. LEE MEDICAL STAFF, ET AL.,)
Defendants.)
)
MEMORANDUM OPINION
By: Hon. Glen E Conrad
Senior United States District Judge

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). By order entered March 25, 2019, the court directed plaintiff to return to the court within 20 days an inmate account form and a certified copy of plaintiff's trust fund account statement for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate prison official of each prison at which plaintiff is or was confined during that six-month period. The court's order also directed plaintiff to notify the court in writing "immediately upon plaintiff's transfer or release" of his new address. Order 3, ECF No. 3. By letter dated April 2, 2019, the court expressly informed plaintiff that immediately after he was released, he should advise the court of his current address. The court's March 25 order warned plaintiff that a failure to comply with these conditions would result in dismissal of this action without prejudice.

More than the 20 days have elapsed, and plaintiff has failed to provide all of the required financial records. Although he previously advised the court of his expected release on April 3, 2019, since that date, he has not provided the court with his current mailing address. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court.

If the plaintiff wishes to proceed with this action, he must file a motion within 30 days from its dismissal, asking the court for reinstatement of the case and explaining why he failed to

comply with the court's conditions. If he is no longer in prison, he will also have to prepay the full filing costs of \$400 or file a new application to proceed in forma pauperis, including his current financial information.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 24th day of May, 2019.



Senior United States District Judge